

Received & Inspected

CGB-CC-1093

APR 2X 2012

FCC Mail Room

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To whom it may concern,

This letter serves as my affidavit in response to the Federal Communications Commission request for supplemental information, regarding closed captioning exemption CGB-CC-1093 for the poker shows Windy City Poker Championship, Chad Brown Poker Championship, and Jax50k Cash Game.

This exemption request is on behalf of my company, Fallah Productions. I will explain in as much detail as possible why Closed Captioning is an undue financial burden to already under funded productions.

Soon, Fallah Productions is set to air on multiple networks The Windy City Poker Championship's Season broadcasts, Chad Brown Poker Championships, and the Jax50k Cash game. We are going to re-air season 1 programs and start the airing of our season 2 shows. The high quality production's, are staffed by young and talented production crew members that I Kirk Fallah have had the chance to work with and teach to as a former adjunct professor for Columbia College of Chicago. Thru my classes and networking, I've been able to hire students and other freelance professionals looking to work in the industry, thus gaining a full competent production staff. In addition to the staff comes extensive equipment rental and or purchases which when combined creates a look and feel of the professional ESPN poker programs, while limiting the budget and expenses to get to that result.

Right now, the Windy City Poker Championship, Chad Brown Poker Championship's and Jax 50K Cash game air on 14 different TV Networks across the country. There are typically 2-3 Broadcasts per episode produced on each network. With the 18 shows set to air this year. This comes out to approximately 756 Show broadcasts that constantly change and are updated based on current events or time in which they air. Show segment additions and subtractions are also constant, and or new elements added during rebroadcasts. Some networks require different formats including HDV Tapes, some require online versions or FTP uploads...some of these are in High Definition...some are Standard Definition...some are 16x9...some are 4x3. Each network has its own specifications. So...in order to air the show on all the networks I have to send these various formats to them which take a long time to edit, render, and create. Keep in mind while receiving this information that 85%+ of these networks that air the show work on a barter basis which allows for minimal or no broadcast costs. If I were to do time buys with these networks. I would opt to not air my program.

Closed Captioning fee's that have been quoted to me over the phone include upwards of \$1,000 for a HDCam dub per tape, and as low as \$250 for a master HDV Mini DV Tape. Additionally there is also the option for LIVE Closed Captioning via the networks at a rate of \$100 per hour of LIVE TV (generally used for live sportscasts or news programs). Of course, the assumption can be made that when I Closed Caption one show LIVE, the networks can record that broadcast and re-air that during its replays. However, that would eliminate the ability for me to keep the show fresh and updated and not allow for changes to be made for other networks. I constantly send individual networks their own formatted and produced programs so the viewers in that area feel like it was created for them to watch.

So by doing the math, 756 (1) hour long broadcasts @ \$100 per hour would generate = \$75,600 in live Closed Captioning costs which far exceed the budget in place for these shows. This is an expense that would be detrimental to Fallah Productions and cause the show to be canceled.

I personally actively search for sponsors for the program to cover the costs because I do not have a sales staff nor do I have the funds to pay for a staff or individual sales person. In fact...here I sit on March 29th, typing this up myself and asking for the help of my mother and brother. Generally a secretary or producer would be able to do this, but that is an additional cost that I can not afford at this time. The standard commission on any advertising or sales is not enough to sustain a full time commitment by any individual or marketing agency leaving it up to me personally to sell the program in order to even have the show in production. I unfortunately am a one man team trying to get a foothold in this field as I do all the footwork to get this production from beginning to end. The only aspect that I can not do on my own is the actual production on set, but all of the editing, graphics, writing, audio recordings, marketing and promotions is done by myself at zero compensation...basically every aspect of post production which happens to be the most expensive and time consuming aspect of producing a charity poker TV show is handled by myself Kirk Fallah. I have to do the post production because the budget only allows for the rental and or purchase of the equipment needed, and the funds for the staff involved to produce the show.

I have not left any stone unturned when it comes to sponsorship either. Through various networking opportunities, Fallah Productions has acquired some great sponsorships, however a majority are done on a barter basis which only allows for me to generate enough budget to get the event produced and ready for post production. For example I traded some services with a company that did DATA recovery on my show hard drives, in return they received a commercial production as well as broadcast of that spot on my show.

Between personal and business expenses to keep my business going, I've watched my business and personal account go from \$50,000 to \$10,000, within a matter of a few years. This is due to the fact that I can not yet get enough sponsors that are willing to spend what it actually takes to get a show like this produced. The reason for that is that I am still new to this circuit and am in the process of making a name for my company and generally right now most possible sponsors are not comfortable with the economy and are unwilling to commit. Many of the sponsors are somewhat more willing to sign on due to the fact the show is produced in conjunction with local charities and that they will not only get exposure but also donations to their cause. Even so these sponsors still look to get in at a minimal cost for maximum return. In fact with the removal of online poker websites in the United States, I have lost a large amount of sponsorships that these websites would provide to poker TV shows. This is why you see other shows like Poker After Dark, High Stakes Poker, NBC Heads Up, and Heartland Poker Tour either being canceled, or hurting from the lack of funds.

While the lack of sufficient finances has not completely stopped my company's production, the additional cost of having to finance Closed Captioning will force Fallah Productions behind financially and ultimately close its doors before it had a chance to really open. I understand that any new venture takes sacrifice and available funds and even more sacrifice and there is no guarantee it will succeed. For the last 4 years I have put every aspect of my life into this business and I have survived and I have progressed. I produce high quality shows, a poker show that is as good as any seasoned or professional poker show currently on TV and I do it on a shoe string budget.

I thoroughly understand the advantage of having Closed Captioning on the Windy City Poker Championships but still I can assure you that the high-quality graphics I use to visually enhance the flow of the show contains all the same information you would find in Closed Captioning making it extremely easy for anyone to follow the program no matter where or how they watch the show.

In closing, please accept this additional petition for the exemption of Fallah Productions broadcast, the Windy City Poker Tournament. Doing this would not only allow me to provide a great broadcast right now, but to continue producing exceptional work in the future. I can guarantee that once I can afford the option of an editor to start editing for me, a producer to start writing for me, and a sales team to sell the show at the value its worth, I can then afford closed captioning services as I will have a self sustaining product. Until then, I need to be cleared for exemption while I try and dig myself out of this non profitable production.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kirk Fallah', written over a horizontal line.

Kirk Fallah